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DEPARTMENT FOR EAP/ANP, EAP/MTS, L/OES, AND

E.O. 12958: DECL: 03/30/2019

TAGS: [EWWT](#) [PHSA](#) [PREL](#) [AS](#)

SUBJECT: TORRES STRAIT: U.S. AGREEMENT TO REVISED MARINE
NOTICE DELIVERED

REF: A. STATE 29980

[1](#)B. CANBERRA 309

Classified By: ECONOMIC COUNSELOR EDGARD Kagan for Reasons 1.4 (b/d).

[1](#)1. (C/NF) ECONCOUNS delivered ref A message to DFAT International Legal Division Assistant Secretary Adam McCarthy March 30. McCarthy, joined by Director of the DFAT Sea Law Section Damien White, welcomed the prompt U.S. response as well as the substantive agreement with Australia's willingness to accept one of Singapore's changes. McCarthy said that he would have the Australian High Commission in Singapore deliver a message signalling acceptance of Singapore's proposed change as soon as possible, though probably after the conference call with U.S. counterparts. He commented that this may be enough to satisfy Singapore by showing that Australia took its concerns seriously and was willing to modify its approach to address those concerns. McCarthy's view is that Singapore's position is driven to some degree by Singaporean Ambassador at Large Tommy Koh's desire to show that he remains a leading expert on maritime law, which means finding a way to gracefully back away from his initial position on Torres Strait politage. Australia hopes that the discussion on the Marine Notice will offer Koh a face-saving way out.

[1](#)2. (C/NF) McCarthy welcomed a conference call with U.S. counterparts, saying Australia looks forward to working with the United States on the choreography of how Torres Strait will be handled at upcoming international meetings. He said he also looks forward to reviewing where things stand with Singapore. Reiterating Australia's commitment to the agreement, McCarthy said that Singapore's position will be an important factor, as it will make the choreography much easier if Singapore has already accepted the agreement. McCarthy stressed that the deal with the United States was an end in and of itself given the nature of the relationship with the United States. While Australia would prefer also reaching an agreement with Singapore on this issue, this was and remains secondary to the agreement with the United States. McCarthy closed the meeting by saying that the Australians working on this issue would be delighted never to discuss MEPC 133.53 again.

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